

ciation; in respect of the which answer, the LORDS repelled the allegiance. It was farther *alleged*, That the horning was null, because Andrew Harvie dwelt within the regality of the College of Aberdeen, where there was a clerk and writer, and use of denunciation at the market-cross of Old Aberdeen.

No 6.

Fol. Dic. v. 1. p. 466. Haddington, MS. v. 1. No 755.

1611. *January 8.*BAILLIE *against* TORPHICHEN.

No 7.

A BARON'S decree may be executed incontinently, and needs not fifteen days delay.

Fol. Dic. v. 1. p. 466. Haddington. Nicolson.

. This case is No 16. p. 4797. *voce* FORUM COMPETENS.

1619. *November 12.*MAXWELL *against* STEWART.

No 8.

WHERE the pursuer having referred the summons to the defender's oath, the LORDS ordain the defender to be summoned at the cross of Edinburgh, pier and shore of Leith, on fifteen days, because he was summoned before on sixty days out of the country by a deliverance.

Clerk, *Durie.*

Fol. Dic. v. 1. p. 467. Nicolson, MS. No 244. p. 173.

1620. *January 26.*WRIGHT *against* WRIGHT.

No 9.

THOMAS WRIGHT pursues James Wright to repossess a part of a ship, and to pay the profit conform to condition. The pursuer refers, instead of probation, the summons to the defender's oath, being absent, viz. the LORDS ordains letter to warn the party at his dwelling, and at the cross of Edinburgh and pier of Leith on sixty days, because he is out of the country, to give his oath; quhilk citation they find as lawful as if he were personally cited within the country.

Fol. Dic. v. 1. p. 467. Nicolson, MS. No 245. p. 173.

1625. *February 4.*STUART *against* BRUCE.

No 10.

In a suspension at the instance of ——— Stuart of Currie in Orkney, against Andrew Bruce of Balwharg, for suspending of the charges executed against the

A charge of horning, on six days, given to a per-